

4 1-3

RCE/2822



PTO/SB/30 (01-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request For Continued Examination (RCE) Transmittal

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/770,699
Filing Date	January 26, 2001
First Named Inventor	F. D. Gealy
Art Unit	2822
Examiner Name	M. Trinh
Attorney Docket Number	98093DIV

#10  
RCE

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

RECEIVED  
APR - 4 2003  
TC 2800 MAIL ROOM

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 11-1110
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 750.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Robert A. Muha	Registration No. (Attorney/Agent)	44,249
Signature	<i>Robert A. Muha</i>	Date	3-31-03

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)		Date	
Signature			

Page 1 of 2

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

04/02/2003 JBALINAN 00000094 09770699

01 FC:1801

750.00 OP



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gealy et al.

Serial No: 09/770,699

Group No.: 2822

Filed: January 26, 2001

Examiner: M. Trinh

For: CAPACITOR HAVING AN ELECTRODE FORMED FROM A TRANSITION METAL OR CONDUCTIVE METAL-OXIDE, AND METHOD OF FORMING SAME

**Commissioner for Patents**

**Box: RCE**

**Washington, DC 20231**

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EU990151111US

Date of Deposit March 31, 2003

I hereby certify that the following attached paper or fee

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL  
AMENDMENT (ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION  
UNDER 37 C.F.R. § 1.114)**

**SUPPLEMENTAL I.D.S.; PTO FORM SB/08A; COPIES OF REFS. CITED-ATTACHED  
CHECK PAYABLE TO PTO**

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Box: RCE, Washington, DC 20231.

Beth H. Retort

(Typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

**NOTE:** Each paper must have its own certificate and the "Express Mail" label number as a part thereof or attached thereto. When, as here, the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper or fee it accompanies. Identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g. complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor(s) and the title of the invention.

**NOTE:** The label number need not be placed in each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

**(Express Mail Certificate [8-3])**



PATENT  
98093DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Gealy et al.

Serial No. 09/770,699

Filed: January 26, 2001

Group Art Unit: 2822

Examiner: Michael Trinh

:  
:  
:  
: CAPACITOR HAVING AN ELECTRODE  
: FORMED FROM A TRANSITION METAL  
: OR CONDUCTIVE METAL-OXIDE, AND  
: METHOD OF FORMING SAME  
:  
:  
:

#13/1  
[Signature]

AMENDMENT UNDER 37 C.F.R. §1.114

Pittsburgh, Pennsylvania 15222

March 31, 2003

Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Office Action mailed December 31, 2002, please amend the above-identified application as follows:

In the Claims

Please amend the claims as indicated below.

- 5857  
D1
38. (Twice Amended) A method of forming a capacitor including:  
forming a first electrode selected from a group consisting of transition metals, conductive metal-

RECEIVED  
APR - 4 2003  
TC 2800 MAIL ROOM